



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,475	11/30/2000	Perry L. Schwalb	15637/77842-00	1651
7590 05/21/2007				
Keith M. Landry Jones Walker 201 St. Charles Avenue, 50th Floor New Orleans, LA 70170-5100			EXAMINER FRENEL, VANEL	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/726,475

Applicant(s)

SCHWALB ET AL.

Examiner

Vanel Frenel

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/07 has been entered.

Notice to Applicant

2. This communication is in response to the RCE filed 3/12/07. Claims 1, 15, 16 and 17 have been amended. Claims 29-31 have been cancelled. Claims 1-28 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald et al (6,260,049) in view of Pinsky et al (5,513,101) and further in view of Schulz (5,818,901).

(A) As per claim 1, Fitzgerald discloses comprising the steps of: providing a system

Art Unit: 3627

that includes a computer and a plurality of monitors interfaced with the computer (Col.11, lines 1 1-19), each monitor for displaying an image (Col.12, lines 5-10), using at least one of the monitors to simulate a radiology "light box" for displaying electronic radiology images (Col.6, lines 50-67), c) using at least one of the monitors to simulate a digital graphical representation of a patient's manual master folder, the digital folder representation specifically designed for use by the radiologist (iii) providing information and hyperlinks to radiology reports and images in an electronic layout and color scheme conforming to the layout and color scheme of the patient's manual master folder and tailored to a radiology practice (See Abstract, Col.24, lines 15-67., Col .25, lines 10-32); and

d) using a hyperlink to open the folder displayed in step "c" to display information contained in the folder (See Col.25, lines 1-6), and e) using a hyperlink that accesses the folder to display a radiology image (See Col.7, lines 5-22).

Fitzgerald does not explicitly disclose an electronic method of improving the efficiency of a radiologist.

However, this feature is known in the art, as evidenced by Pinsky. In particular, Pinsky suggests an electronic method of improving the efficiency of a radiologist (See Pinsky, Col.1, lines 32-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Pinsky within the system of Fitzgerald with the motivation of providing a system for improving the distribution of radiology services which would result in an integrated regional and national for standardized, thereby

achieving efficiency and utilization of radiologists (See Pinsky, Col.1 , lines 31-40).

Fitzgerald and Pinsky do not explicitly disclose that the electronic method having comprising the steps of: (i) generating the digital graphical representation of the patient manual master folder as an image on the monitor specifically designed for use as a graphical user interface by the radiologist;

(ii) generating data fields on the digital graphical representation including patient information, medical procedures information and radiologist information;

(iv) including hyperlinks within at least one data field to provide for the viewing of additional information or images relating to a patient's medical records when clicked.

However, these features are known in the art, as evidenced Schulz. In particular, Schulz suggests that the electronic method having comprising the steps of: (i) generating the digital graphical representation of the patient manual master folder as an image on the monitor specifically designed for use as a graphical user interface by the radiologist (See Schulz, Col.2, lines 1-28);

(ii) generating data fields on the digital graphical representation including patient information, medical procedures information and radiologist information (See Schulz, Col.1, lines 15-27);

(iv) including hyperlinks within at least one data field to provide for the viewing of additional information or images relating to a patient's medical records when clicked (See Schulz, Col.1, lines 30-60); using a hyperlink that accesses the folder to display a current radiology image from a current radiology procedure to permit diagnosis (See Schulz, Col.2, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Schulz within the combined teachings of Fitzgerald and Pinsky with the motivation of providing a medical diagnostic installation wherein MR exposures and X-ray exposures can be simultaneously produced.

(B) As per claim 2, Fitzgerald discloses the method wherein in step "d" a voice activated command is used to open the patient's master folder (Col.14, lines 1 1-49).

(C) As per claim 3, Fitzgerald discloses the method wherein in step "d" a trackball device is used to open the patient's master folder (Col .14, lines 1 1-49).

(D) As per claim 4, Fitzgerald discloses the method further comprising the step of providing a combination dictation and trackball device, and wherein in step d a user can selectively use either a voice activated command or a trackball to open the patient's master folder (Col.14, lines 10-49).

(E) As per claim 5, Fitzgerald discloses the method further comprising the step of using the computer to interface the monitors and the hyperlink (Col.11, lines 44-67).

(F) As per claim 6, Pinsky discloses the method further comprising the step of using the computer to interface the monitors and the combination dictation and trackball device (Col.5, lines 41-67).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(G) As per claim 7, Pinsky discloses the method wherein there are two monitors in step "c" that are used to display electronic radiology images (Col.6, lines 19-47).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(H) As per claim 8, Pinsky discloses the method wherein the monitor in step "c" that is used to display electronic radiology images is a high-resolution monitor (Col.10, lines 21-57).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(I) As per claim 9, Pinsky discloses the method wherein the monitors in step "c" that are used to display electronic radiology images is a high-resolution monitor (Col.10, lines 21-57).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(J) As per claim 10, Pinsky discloses the method wherein in step "b" the image viewed is an ultrasound image (Col.1, lines 44-51).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(K) As per claim 11, Pinsky discloses the method wherein in step "b" the image viewed is a magnetic resonance image (Col.1, lines 44-51).

(L) As per claim 12, Pinsky discloses the method wherein in step "b" the image viewed is a computer tomography image (Col.1, lines 44-51).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(M) As per claim 13, Pinsky discloses the method wherein in step "b" the image viewed is a computer radiology image (Col.1, lines 44-51).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(N) As per claim 14, Pinsky discloses the method of claim 1 wherein in step "b" the image viewed is a nuclear medicine image (Col.1, lines 44-51).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(O) As per claim 15, Fitzgerald discloses b) generating an image of a radiology manual master folder on an area of a computer display (Col.11, lines 60-67), generating data fields associated with a digital master folder on the image of a master folder including patient's name, medical record number, date of birth, sex, and information regarding all procedures including date, type of procedure, report, and radiologist, the digital master folder specifically designed for use by a radiologist (See Abstract, Col.24, lines 15-67 to Col.25, lines 10-32);

d) displaying information associated with the patient from computer memory in a data field on the computer display in an electronic layout and color scheme confirming to the layout and color scheme of the patient's manual master folder (See Abstract, Col.24, lines 15-67., Col.25, lines 10-32);

clicking on the report field, displays a new window that contains the text of the report and a link to the digitally recorded dictation of the report, that when clicked will play the recording (Col.23, lines 1-56);

g) placing a cursor over the report field on the digital master folder, to display summary information of the report (Col.24, lines 1-30), h) clicking on the procedure field to send a command to a viewing portal to load all of the procedures and images that meet the criteria of the radiologist's file (Col.6, lines 40-67., Col .23, lines 1-27);

(i) generating a searchable and selectable list of patients that have procedures assigned to the radiologist on the computer display (Col.23, lines 1-41); and

j) providing commands that navigate through the stack of master folders, displaying information associated with a new patient in a data field on the computer display from computer memory (Col.22, lines 44-67 to Col.24, line 27).

Fitzgerald does not explicitly disclose a method for reviewing electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images, comprising the steps of: a) loading the radiology information associated with a selected group of patients that are assigned to a selected radiologist into a computer memory.

However, these features are known in the art, as evidenced by Pinsky. In particular, Pinsky suggests a method for reviewing electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images, comprising the steps of: a) loading the radiology information associated with a selected group of patients that are assigned to a selected radiologist into a computer memory (See Pinsky, Col.3, lines 45-67 to Col.4, line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Pinsky within the system of Fitzgerald with the motivation of providing a system for improving the distribution of radiology services which would result in an integrated regional and national for standardized, thereby achieving efficiency and utilization of radiologists (See Pinsky, Col.1, lines 31-40).

Fitzgerald and Pinsky do not explicitly disclose that the method having e) providing hyperlinks within the procedure and report data fields to provide for the viewing of additional information or images relating to a patient's medical records when

clicked, the information and images displayed in electronic formats and configurations tailored to a radiology practice.

However, these features are known in the art, as evidenced by Schulz. In particular, Schulz suggests that the method having e) providing hyperlinks within the procedure and report data fields to provide for the viewing of additional information or images relating to a patient's medical records when clicked, the information and images displayed in electronic formats and configurations tailored to a radiology practice (See Schulz, Col.1, lines 9-41); "viewing current radiology images form a current radiology procedure together with images from prior radiology procedures (See Schulz, Col.2, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Schulz within the combined teachings of Fitzgerald and Pinsky with the motivation of providing a medical diagnostic installation wherein MR exposures and X-ray exposures can be simultaneously produced.

(P) As per claim 16, Fitzgerald discloses c) means for searching for a plurality of user specified types of information contained in the information database (Col.12, lines 24-56);

d) means for displaying the specified types of information over a monitor of a computer connected to the computer network using a digital master folder representation of a patient's manual master folder, the digital master folder representation specifically designed for use by a radiologist by providing information

and links to radiology reports and images in an electronic layout and color scheme conforming to the layout and color scheme of the patient's manual master folder and tailored to a radiology practice (See Abstract, Col.24, lines 15-67 to Col.25, lines 10-32).

Fitzgerald does not explicitly disclose means for transmitting and receiving the information between computers connected to a computer network via extensible markup language (XML), HUP, TCP/IP; an apparatus to access, store, and distribute electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images comprising: a) an information data base including patient demographics, radiology identification number, procedures, images, reports, orders and appointments.

However, these features are known in the art, as evidenced by Pinsky. In particular, Pinsky suggests means for transmitting and receiving the information between computers connected to a computer network via extensible markup language (XML), HTTP, TCP/IP (See Pinsky, Col.8, lines 31-67 to Col.9, line 20); an apparatus to access, store, and distribute electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images comprising: a) an information data base including patient demographics, radiology identification number, procedures, images, reports, orders and appointments (See Pinsky, Col.3, lines 45-67 to Col.4, line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Pinsky within the system of Fitzgerald with the motivation of providing a system for improving the distribution of radiology services

which would result in an integrated regional and national for standardized, thereby achieving efficiency and utilization of radiologists (See Pinsky, Col.1, lines 31-40).

Fitzgerald and Pinsky do not explicitly disclose that the apparatus having means “for generating a digital master folder representation of a patient’s manual master folder”, “means for generating data fields on the digital master folder representation including radiology reports and images information”; (f) “means for displaying the”, “and”, (e) “means for providing hyperlinks within at least one data field to provide for the viewing of additional information or images relating to a patient’s medical records when clicked”.

However, these features are known in the art, as evidenced by Schulz. In particular, Schulz suggests that the apparatus having means “for generating a digital master folder representation of a patient’s manual master folder”, “means for generating data fields on the digital master folder representation including radiology reports and images information”; (f) “means for displaying the”, “and”, (e) “means for providing hyperlinks within at least one data field to provide for the viewing of additional information or images relating to a patient’s medical records when clicked”(See Schulz, Col.1, lines 9-41); “means for viewing current radiology images form a current radiology procedure together with images from prior radiology procedures” (See Schulz, Col.2, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Schulz within the combined teachings of

Art Unit: 3627

Fitzgerald and Pinsky with the motivation of providing a medical diagnostic installation wherein MR exposures and X-ray exposures can be simultaneously produced.

(Q) As per claim 17, Fitzgerald discloses a multi-monitor radiology image viewing system comprising: a plurality of monitors (Col.11, lines 1 1-19);

b) a combination dictation and trackball device that provides a hyperlink for the viewing of the patients information and medical images on separate monitors (See Fitzgerald, Co1.23, lines 1-56) comprising: a radiology portal that includes a monitor and a computer for the searching and that includes viewing medical information, the medical information displayed over the monitor using a digital master folder representation of a patient's manual folder, the digital master folder representation specifically designed for use by a radiologist by providing information and links to radiology reports and images in an electronic layout and color scheme conforming to the layout and color scheme of the patient's manual master folder and tailored to a radiology practice (See Fitzgerald, See Abstract', Col .24, lines 15-67 to Col.25, lines 10-32); said combination dictation and trackball device including a voice component that issues operational and navigational commands to the radiology portal and viewing portal by providing continuous speech recognition for the creation of dictated radiology reports (See Fitzgerald, Col.23, lines 1-61).

Fitzgerald does not explicitly disclose d) said viewing portal consisting of at least two monitors designed for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic

resonance images.

However, these features are known in the art, as evidenced by Pinsky. In particular, Pinsky suggests d) said viewing portal consisting of at least two monitors designed for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (See Pinsky, Col.3, lines 45-67 to Col.4, line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Pinsky within the system of Fitzgerald with the motivation of providing a system for improving the distribution of radiology services which would result in an integrated regional and national for standardized, thereby achieving efficiency and utilization of radiologists (See Pinsky, Col.1, lines 31-40).

Fitzgerald and Pinsky do not explicitly disclose that multi-monitor having "by generating", "said digital master folder representation", "data fields included within the digital master folder representation providing", "such links providing for the viewing of additional information or images relating to a patient's medical records when clicked".

However, these features are known in the art, as evidenced by Schulz. In particular, Schulz suggests that multi-monitor having "by generating (See Schulz, Col.2, lines 24-28)", "said digital master folder representation", "data fields included within the digital master folder representation providing", "such links providing for the viewing of additional information or images relating to a patient's medical records when clicked" (See Schulz, Col.1, lines 9-41); "such images including current radiology images from a

current radiology procedure and images from prior radiology procedures” (See Schulz, Col.2, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Schulz within the combined teachings of Fitzgerald and Pinsky with the motivation of providing a medical diagnostic installation wherein MR exposures and X-ray exposures can be simultaneously produced.

(R) As per claim 18, Pinsky discloses the system wherein the radiology portal consists of a flat panel monitor and computer for the searching and viewing of medical information stored internal and external to the system (The Examiner interprets Computer i.e., Macintosh, or IBM-PC compatible and other to be a form of a flat panel monitor and computer for the searching and viewing of medical information stored internal and external to the system See Col.10, lines 21-67).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(S) As per claim 19, Pinsky discloses the system wherein the radiology portal consists of a touch screen flat panel monitor and computer for searching and viewing of medical information stored internal and external to the system (The Examiner interprets computer i.e., Macintosh, or IBM-PC compatible and other to be a form of a flat panel monitor and computer for the searching and viewing of medical information stored internal and external to the system See Col.10, lines 21-67).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(T) As per claim 20, Fitzgerald discloses the system wherein the radiology portal consists of a flat panel monitor and computer with multi-processors for searching and viewing of medical information stored internal and external to the system (Col.11, lines 12-59).

(U) As per claim 21, Fitzgerald discloses the system wherein the radiology portal consists of a touch screen flat panel monitor and computer with multi processors for searching and viewing of medical information stored internal and external to the system (Col.11, lines 12-59).

(V) As per claim 22, Pinsky discloses the system wherein the viewing portal consists of a single high-resolution monitors design for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (Col.1, lines 44-67., Col.13, lines 6-21).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(W) As per claim 23, Pinsky discloses wherein the viewing portal consists of a single high-resolution computer monitor (Col.10, lines 21-57).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(X) As per claim 24, Pinsky discloses the system wherein the viewing portal consists of two high-resolution computer monitors (Col.10, lines 21-57).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(Y) As per claim 25, Pinsky discloses the system wherein the viewing portal consists of a four high-resolution monitors design for the viewing of a plurality of radiology images including computer radiology, computer-tomography, ultrasound, nuclear medicine, and magnetic resonance images (Col.9, lines 29-61).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(Z) As per claim 26, Pinsky discloses the system wherein the viewing portal includes six high-resolution monitors for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (Col.9, lines 29-61).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(AA) As per claim 27, Pinsky discloses the system wherein the viewing portal consists of eight high-resolution monitors design for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (Col.9, lines 29-61).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

(BB) As per claim 28, Pinsky discloses the system wherein the combination dictation and trackball device includes a separate mouse and microphone (Col.5, lines 41-67).

The motivation for combining the respective teachings of Fitzgerald, Pinsky and Schulz are as discussed in the rejection of claim 1 above, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 3/12/07 with respect to claims 1-31 have been considered but they are not persuasive.

(A) At pages 9-11 of the 3/12/07 response, Applicant argues that the newly added features in the 3/12/07 amendment are not taught or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 3/7/07 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view the teachings of Fitzgerald, Pinsky and/or Schulz based on the logic and sound

scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches real-time digital radiography system (5,177,775), ultrasound diagnostic apparatus (5,993,391), x-ray scanning method and apparatus (6,183,139) and image processing apparatus and method (5,680,471).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vanel Frenel

Art Unit 3627

May 12, 2007